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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JUL 20 2021

SEAN F. McAVOY, CLERK
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SPOKANE, WASHINGTON

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

No. **2:21-CR-97-SMJ**

Plaintiff,

INDICTMENT

v.

18 U.S.C. § 2251(a), (e)
Production of Child Pornography
(Counts 1, 2)

JOSEPH THOMAS SCHMITZ,

Defendant.

18 U.S.C. § 2252A(a)(2)(A), (b)(2)
Possession of Child Pornography
(Count 3)

18 U.S.C. § 2253
Forfeiture Allegations

The Grand Jury charges:

COUNT 1

On or about August 7, 2020, in the Eastern District of Washington, the Defendant, JOSEPH THOMAS SCHMITZ, did knowingly employ, use, persuade, induce, entice, and coerce and attempt to employ, use, persuade, induce, entice, and coerce a minor child, Minor 1, to engage in sexually explicit conduct, for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted

1 using any means and facility of interstate and foreign commerce, in and affecting
2 interstate and foreign commerce, and such visual depiction was to be produced
3 using material that have been mailed, shipped, and transported using any means
4 and facility of interstate and foreign commerce and in and affecting interstate and
5 foreign commerce by any means, including by computer, in violation of 18 U.S.C.
6 § 2251(a), (e).

7
8 COUNT 2

9 On or about February 14, 2021, in the Eastern District of Washington, the
10 Defendant, JOSEPH THOMAS SCHMITZ, did knowingly employ, use, persuade,
11 induce, entice, and coerce and attempt to employ, use, persuade, induce, entice,
12 and coerce a minor child, Minor 1, to engage in sexually explicit conduct, for the
13 purpose of producing any visual depiction of such conduct, knowing and having
14 reason to know that such visual depiction would be transported and transmitted
15 using any means and facility of interstate and foreign commerce, in and affecting
16 interstate and foreign commerce, and such visual depiction was to be produced
17 using material that have been mailed, shipped, and transported using any means
18 and facility of interstate and foreign commerce and in and affecting interstate and
19 foreign commerce by any means, including by computer, in violation of 18 U.S.C.
20 § 2251(a), (e).

21
22 COUNT 3

23 On or about May 3, 2021, in the Eastern District of Washington, the
24 Defendant, JOSEPH THOMAS SCHMITZ, did knowingly possess material which
25 contained one or more visual depictions of child pornography, as defined in 18
26 U.S.C. § 2256(8)(A), including images of prepubescent minors and minors who
27 had not attained twelve years of age, the production of which involved the use of a
28 minor engaging in sexually explicit conduct, and which visual depictions were of
such conduct; that had been mailed, shipped and transported in interstate and

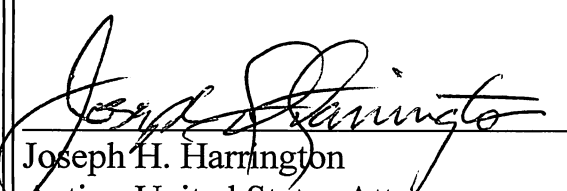
1 foreign commerce, and which were produced using material that had been mailed,
2 shipped and transported in interstate or foreign commerce, by any means including
3 computer, all in violation of 18 U.S.C. § 2252A(a)(2)(A), (b)(2).

4 NOTICE OF CRIMINAL FORFEITURE ALLEGATIONS

5 The allegations contained in this Indictment are hereby realleged and
6 incorporated by reference for the purpose of alleging forfeitures.

7 Pursuant to 18 U.S.C. § 2253, upon conviction of an offense(s) in violation
8 of 18 U.S.C. § 2252A(a)(2)(A), (b)(2) and/or 18 U.S.C. § 2251 (a), (e), as alleged
9 in Counts 1 - 3 of this Indictment, the Defendant, JOSEPH THOMAS SCHMITZ ,
10 shall forfeit to the United States of America any visual depiction described in
11 section 2251, 2251A, 2252, 2252(A), 2252(B), or 2260, or any book magazine,
12 periodical, film videotape, or any other matter which contains any such visual
13 depiction which was produced, transported, mailed, shipped or received in
14 violation of this chapter; any property, real or personal, constituting or traceable to
15 gross profits or other proceeds obtained in such offenses; and, any property, real or
16 personal, used or intended to be used to commit or to promote the commission of
17 such offenses, or any property traceable to such property.

18 DATED this 10th day of July 2021.

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25 Joseph H. Harrington
26 Acting United States Attorney

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29 Ann T. Wick
30 Assistant United States Attorney